

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 20, 2003

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,
Deputy Clerk.

Each of the following:

B152720 People v. Ly
B154475 People v. Hooks
B155149 Estate of Blyden
B155429 People v. Van Dyke
B156887 People v. Kirvin
B156966 People v. Gray
B158347 People v. Bowdry
B158527 People v. Kesick
B158614 People v. Vasquez
B158698 People v. Douthard
B159828 People v. Feagin
B160063 People v. Abdullah
B160157 People v. Valdez
B160429 People v. Arellano
B160843 People v. Levele W.
B161471 People v. Hanna
B161704 People v. Jackson

Argument waived, cause submitted.

B158043 People
 v.
 Bell

Merits:

Argued by John L. Staley for appellant and by Adrian Tigmo, Deputy
Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B159734 Plotkin, et al.
 v.
 Borgatta, et al.

Merits:
Argued by Gerald Clausen for appellants and by Gerry DeSimone for respondents. Cause submitted.

B156577 Natel Engineering Co.
 v.
 General Insurance Consultants, et al.

Merits:
Argued by Julia J. Rider for appellant and by Timothy W. Kenna for respondent. Cause submitted.

Vogel, J. leaves the bench.

B157939 Cosgrove, et al.
 v.
 Antonelli, et al.

Merits:
Argued by Guy J. Gorlick for appellants and by Timothy G. Dallinger for respondents. Cause submitted.

Vogel, J. returns to the bench.

B158111 Parvizian
 v.
 Parvizian

Merits:
Argued by Paul Tashnizi for appellant and by no appearance for respondent. Cause submitted.

Spencer, P J. leaves the bench.

DIVISION ONE (Continued)

B157419 In re MARK SMITH on Habeas Corpus

Merits:

Argued by Diann Sokoloff, Deputy Attorney General, for petitioner and by Rowan K. Klein for respondent. Cause submitted.

B161077 People

V.

Ciancio

California Department of Mental Health

Merits:

Argued by Karen Ackerson-Brazille, Deputy Attorney General, for appellant and by Jack T. Weedon, Deputy Public Defender, for respondent Ciancio et al. and by Jean Matulis for respondent Blake et al. Cause submitted.

Court adjourned.

B161704 People

(Not for Publication)

V.

William M. Jackson

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B160157 People

(Not for Publication)

V.

Ricardo Valdez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B162178 Los Angeles County, D.C.S. (Not for Publication)

B162843 v.
Lynnette C.
Selena B. and Robert C., minors

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B158698 People (Not for Publication)

v.
Rayvone Douthard

The judgment is modified to reflect that the sentence on count 1 is stayed and, as modified, affirmed and remanded to the trial court with directions to issue a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B160243 Hill

v.
Hinds, et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B164965 Dawn Z. (Not for Publication)

v.

Superior Court, Los Angeles County
(DCFS, r.p.i.)

Let a writ of mandate issue directing respondent juvenile court to vacate its orders of February 5, 2003, issue a new order dismissing the section 342 subsequent petitions, and schedule a new section 366.22 hearing. The order to show cause is discharged.

Nott, Acting P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION THREE

B159960 People (Not for Publication)

v.

Shah

The judgment is modified to delete County/USC Medical Center as a recipient of restitution, to award 342 days of presentence custody credit consisting of 298 days of actual custody and 44 days of conduct credit, and to reflect a 15-year minimum term before parole eligibility under section 186.22, subdivision (b)(2), rather than an enhancement of 15 years pursuant to that section. As so modified, the judgment is affirmed. The clerk of the superior court shall prepare and forward to the Department of Corrections an amended abstract of judgment.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B159323 Ronald B. Vogel II, et al. (Not for Publication)
 v.
 American Express Centurion Bank

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B157913 First American Title Company (Certified for Publication)
 v.
 Eric Mirzaian

The purported appeal is dismissed. Respondent shall recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B149098 Curtis Claxton
 v.
 Atlantic Richfield Co., et al.

Filed order denying petition for rehearing.

DIVISION FOUR

B160236 London (Not for Publication)
 v.
 Hauch

The judgment is reversed. Appellant(s) to recover costs.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

May 20, 2003 (Continued)

DIVISION FOUR (Continued)

B151519 People (Not for Publication)

V.

Legion Insurance Company

The judgment is affirmed. Respondent(s) to recover costs.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B159162 Los Angeles County, D.C.S. (Not for Publication)

V.

Ana H.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B160325 Rowen (Not for Publication)

V.

Cheon, et al

The judgment is affirmed. Respondent(s) to recover costs.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

DIVISION FOUR (Continued)

B163737 Los Angeles County, D.C.S. (Not for Publication)
v.
Muriel M.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

B158541 Agbalaya (Not for Publication)
v.
James Brown Enterprises, Inc.

The Judgment and the order denying judgment notwithstanding the verdict
are affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Curry, J.

B160349 People (Not for Publication)
v.
Jewel S.

For the foregoing reasons, the judgment sustaining the petition and
committing appellant to the California Youth Authority is affirmed, and the
matter is remanded for a declaration of whether the crimes proved in this
matter are felonies or misdemeanors, for a possible recalculation of the
maximum period of confinement and for recalculation of the award of
predisposition credits.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

DIVISION FOUR (Continued)

B160021 In re Emerson Noel Beltran (Not for Publication)
 on Habeas Corpus

The petition for habeas corpus relief is granted, and the matter is remanded with directions to the superior court to allow petitioner to withdraw his plea and for further proceedings consistent with the views expressed in this opinion. The order to show cause is discharged.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

B161185 County of Los Angeles (Not for Publication)
 v.
 Seneca Insurance Company

The order of the trial court denying the motion to vacate the forfeiture and summary judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

DIVISION SIX

B161735 People (Not for Publication)
 v.
 Villareal

The judgment (order revoking probation) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

May 20, 2003 (Continued)

DIVISION SIX (Continued)

B160427 People (Not for Publication)
v.
Leoncio

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

[illegible]

The judgment is reversed and remanded for retrial of the prior felony conviction in accordance with this opinion, but otherwise affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B159419 People (Not for Publication)
v.
Crystal H.

The clerk of the Ventura County Superior Court is ordered to amend the May 30, 2002 commitment order to reflect 517 days predisposition custody credits and forward a certified copy of the order to CYA. The May 30, 2002 commitment order, as amended, is affirmed in all other respects.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B159024 Marian
v.
State of California

Filed order denying petition for rehearing.

B153465 People
v.
Green

Filed order denying petition for rehearing.

DIVISION SEVEN

B156339 Kellison (Not for Publication)
v.
Zamost, et al.

The judgment is affirmed. Zamost is to recover his costs on appeal.

Perluss, P.J.

We concur: Johnson, J.
Munoz, J.(Assigned), J. (Assigned)

B159876 People (Not for Publication)
v.
Martin

The judgment is reversed with respect to the order of victim restitution to the pawnshops and is otherwise affirmed. The abstract of judgment is ordered corrected to delete reference to the pawnshop restitution order and to reflect Martin's entitlement to 87 days of actual custody credits and 42 days of conduct credit. The superior court is directed to prepare a corrected abstract of judgment and forward it to the Department of Corrections.

Perluss, P.J.

We concur: Johnson, J.
Munoz, J.(Assigned), J. (Assigned)

May 20, 2003 (Continued)

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Munoz, J. (Assigned)

[illegible]

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.